IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 2577 of 2007

Nazir Kalil Ansari ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Avinash H. Fatangare, Advocate for the Applicant.

Mr K. V. Saste, APP for the Respondent-State.

CORAM: V. C. DAGA,J.
DATED: 3rd Sept, 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in CR No. I-2 of 2006 registered with Vithalwadi Police Station for the offence under Section 302 of the I.P.C.

4. Having seen the statement made by the mother of the deceased Renuka coupled with further dying declaration recorded by the

Special Executive Magistrate, involvement of the accused cannot be prima facie ruled out.

5. Here I may mention that the observations made by learned Additional Sessions Judge, Kalyan in para 4 of the order dated 8-6-2007 while rejecting application for bail also hold good even while considering the present application. Para 4 of the said order read as under:

> "It is abundantly clear that the offence is of serious nature, there was oral dying declartion made by the deceased to her mother and father. Dying declaration recorded by the Special Executive Magistrate showing involvement of the accused with a motive that he was suspecting her fidelity and burnt his wife, consequently, she died on account of 61% burns. It appears that there is prima facie case against the accused. So he does not deserve for bail."

6. In the above view of the matter, I am of the opinion that this is not a fit case for grant of bail.

7. In the result,the application is rejected.

8. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)